

REMARKS

This Amendment is responsive to the Office Action dated July 31, 2006. Claims 1-12 were pending in the application. In the Office Action, claims 1-12 were rejected. In this Amendment, claims 1, 2, 11 and 12 were amended. Claims 1-12 thus remain for consideration.

Applicant submits that claims 1-12 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

Specification

MPEP 2163.07(a) states: "By disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage, even though it says nothing explicit concerning it. The application may later be amended to recite the function, theory or advantage without introducing new matter. *In re Reynolds*, 443 F.2. 384, 170 USPQ 94 (CCPA 1971); *In re Smythe*, 480 F.2d 137, 178 USPQ 279 (CCPA 1973)."

Applicant has amended the specification to include inherent properties of the handle, the column and the channel that was not explicitly disclosed in the specification but were disclosed in figures 1, 2 and 5. Specifically, the specification was amended to include: (1) the handle 1 has a bottom portion and an outermost circumference, (2) the column has a diameter and an outer surface and (3) the channel 4 has a depth defined by the outermost circumference of the handle 1 and the outer edge of the column 9, the depth being at least equal to the diameter of the column 9.

No new matter was added.

§§102 and 103 Rejection

Claims 1-8, 10 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Graham et al. (USPN #4,455,705 (hereinafter Graham)) in view of Nortman et al. (USPN #6,276,032 (hereinafter Nortman)).

Claims 1-8, 10 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hintz et al. (USPN #6,493,899 (hereinafter Hintz)) in view of Nortman.

Claims 1-8, 10 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Paepke (US Patent Number 5,003,659) in view of Fay. (US Patent Number 2,676,758) in view of Nortman.

Claims 9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Graham in view of Nortman and in further view of Garcia et al. (USPN #5419015 (hereinafter Garcia)) or Hintz et al. in view of Nortman and further view Garcia or Paepke in view of Fay and Nortman in further view of Garcia.

Applicant submits that the independent claim (claim 1) is patentable over Graham, Nortman, Paepke , Fay, Garcia and Hintz – taken either alone or in combination.

As stated above, Applicant has amended the specification to include (1) a handle 1 that has a bottom portion and an outermost circumference, (2) a column that has a diameter and an outer surface and (3) a channel 4 that has a depth defined by the outmost circumference of the handle 1 and the outer edge of the column 9, the depth being at least equal to the diameter of the column 9.

Applicant has also amended claim 1 to include a variation of the above

limitations. Accordingly, Applicant believes that independent claim 1 is now patentable over Graham, Nortman, Paepke , Fay, Garcia and Hintz.

Graham, Nortman, Paepke , Fay, Garcia and Hintz do not disclose a channel that has a depth defined by the outmost circumference of the handle and the outer edge of the column, wherein the depth is at least equal to the diameter of the column.

Since Graham, Paepke, Lacey, Kilburn, Garcia and Hortel do not disclose a channel that has a depth defined by the outmost circumference of the handle and the outer edge of the column, wherein the depth is at least equal to the diameter of the column, Applicant believes that independent claim 1 is patentable over Graham, Nortman, Paepke, Fay, Garcia and Hintz -- taken either alone or in combination -- on at least this basis.

Claims 2-12 depend on claim 1. Since claim 1 is believed to be patentable over Graham, Nortman, Paepke , Fay, Garcia and Hintz, claims 2-12 are believed to be patentable over Graham, Nortman, Paepke , Fay, Garcia and Hintz on the basis of their dependency on claim 1.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

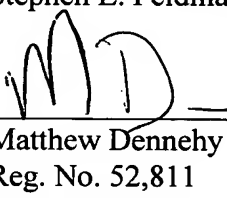
CONCLUSION

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,
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